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Addl. District Sub-Registrar

Kalimpong

19/08/04

DEED OF TRUST

THIS TRUST DEED is made on this 18th day of August, 2004 BETWEEN :

Charter President Brig.(Retd) RTN. NIRPAD KUMAR GURUNG, (VSM) (PHF) son of S/O late B.B.Gurung, by occupation retired and resident of "Chandrama", Tirpai Hill, within the post office of Topkhana, police station and sub division of Kalimpong in the district of Darjeeling, a member of the Rotary Club of Kalimpong for more than ten years, hereinafter called the "SETTLER" (which expression shall unless excluded by or repugnant to the context be deemed to include his successors of assigns) of the ONE PART: A N D

Nirpad Gurung

570

6/28/64

11 - Rotary Club of Kig.

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Presented for registration

at IDA M. 1964

day of August at the

Sub. H. Calimpang

by Ninipad vs. Guring, executor

Add. District Calimpang Registrar

Kalimpang

Kalimpang

792

Section is admitted by!

Ninipad vs. Guring

vs. U. B. B. Guring

"Chandama", Calimpang

Kalimpang

Hinder

Charter President, Parig. (Retail) RTN

Identified by

Miss. Maile Dural

Mosai J. N. Dural

Court compound

Kalimpang

Hinder

Aalacali

Identified by me

And (Maile Dural)

Advocate, Kalimpang

Kalimpang
Add. District Calimpang Registrar



1. P.P. Rtn. Pravakar Dewan (PHF) son of late K.S.Dewan, by Profession legal practice, being 52 years of age and resident of Main Road, within the post office, police station and sub division of Kalimpong in the district of Darjeeling being a member of Rotary Club of Kalimpong for more than ten years.
2. P.P. Rtn. Bharat Mani Pradhan son of late Rudra Mani Pradhan residing at Mani Press Building, 10th Mile, within the post office, police station and sub division of Kalimpong in the district of Darjeeling, by Profession being business, being 54 Years of age and being the member of Rotary Club of Kalimpong for more than ten years.
3. Rtn. Rajen Raghavan son of Mr. K. Raghavan and resident of 9th Mile, Reshe Road, within the post office, police station & sub division of Kalimpong in the district of Darjeeling, by Profession business,

Rajen Raghavan



being 45 years of age, a member of Rotary Club of Kalimpong for the last eight years.

4. Rtn. President (2004-2005) Dr. Miku S. Foning (PHF) son of late Arthur Foning, residing at Mongbol Busty, within the post office, police station & sub division of Kalimpong in the district of Darjeeling, by Profession a Horti-floriculturist and being 50 years of age, being a member of Rotary Club of Kalimpong for more than ten years.
5. Rtn. PP. Indira Bose (PHF) daughter of late A.M. Bose, Secretary (2004-2005) Rotary Club of Kalimpong and resident of "Tapoban", Upper Cart Road, within the post office, police station and sub division of Kalimpong in the district of Darjeeling, by Profession School Teacher being 54 years of age and being a member of Rotary Club of Kalimpong for more than ten years.

All five of them hereinafter collectively referred to as the TRUSTEES (which expression shall unless excluded by or repugnant to the context be deemed to mean and include the TRUSTEES and each one of them for the time being appointed and/or holding office of Trustee) of the OTHER PART.

Handwritten signature
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WHEREAS the SETTLER with due deference to the decision of the Rotary Club of Kalimpong desires that a TRUST be formed with the aforesaid TRUSTEES as the First Trustees for the objects hereinafter mentioned and for the benefit of public at large wants to settle the sum of Rs. 5,000/- (Rupees five thousand) only for the Trust in favour of the TRUSTEES named herein before absolutely and forever.

AND WHEREAS the TRUSTEES having agreed to act as the First Trustees and have accepted the settlement made by the SETTLER.

NOW THIS INDENTURE WITNESSETH
FOLLOWS:

1. The name of the Trust shall be:

"KALIMPONG ROTARY HUMANITARIAN
SERVICE PROJECT TRUST"

2. The office of the Trust shall be at:

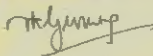
Delta Xerox, Reshe Road,
Kalimpong, district Darjeeling,
West Bengal, India.

3. The objects of the Trust shall be as under :-

- i) To undertake educational, humanitarian and cultural projects and activities to serve the community at large. X
- ii) To undertake any other activity and or projects of general public utility, not involving carrying on any activity for profit.
- iii) To do all acts and deeds ancillary to attaining of the objectives mentioned herein before.

4. The constitution of the Trust Board shall be as under,

- a) The First Trustees named herein before numbering 1, 2 & 3 shall hold office for a term of 5 years 4 years and 3 years respectively. The Trustees listed 4th & 5th herein before are by virtue of the office held by them thus ex-officio

 4

Trustees and shall be the Trustees till the expiry of their terms as President and/or Secretary as the case may be.

- b) The vacancies in the case of ex-officio Trustees shall be automatically filled in by their successors in office in the Rotary club of Kalimpong.
 - c) The periodical vacancies in case of Trustees numbered 1, 2 & 3 above shall be filled in for a 3 years term by a timely action through a duly adopted resolution in a regular meeting, quorum being present, of the Rotary Club of Kalimpong.
 - d) That apart from the ex-officio 2 Trustees the other 3 Trustees shall be from amongst the members of the Rotary Club of Kalimpong who have been member in the club for a continuous period of not less than 5 years.
5. A person shall cease to be a Trustee in any of the following events :
- a) If he/she dies;
 - b) If he/she without leave of absence of the Board of Trustees does not attend three consecutive meeting of the Board of Trustees;
 - c) If he/she becomes insolvent;
 - d) If he/she becomes insane or otherwise incompetent to act;
 - e) If he/she ceases to be a member of Rotary Club of Kalimpong.
6. In the event of a person ceasing to be a Trustee for any of the reasons stated in clause 3 above the remaining Trustees shall through a proper resolution in the meeting of the Board of Trustees fill up such vacancy from amongst the qualified members of the Rotary Club of Kalimpong for the remaining term of such vacancy.
7. The Trustees shall not function if at any time their total number falls below 3 except for the purpose of

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appointing such number of Trustees as required to make up the deficiency.

8. The Trustees Elected shall appoint the Managing Trustee and Treasurer for a term from out of the three trustees who are not ex officio trustees.

9. All properties of the Trust whether the corpus or the general fund shall vest in Board of Trustees.

10. The following are the powers of the Board of Trustees :

- a) That the Board of Trustees shall be in management of the affairs of the Trust.
- b) That the Board of Trustees shall make necessary efforts to raise fund for the Trust.
- c) That the Board of Trustees shall be fully empowered to receive donation, grant, contribution, fund subscription and to disburse necessary fund. On the terms and conditions as may be decided by them from time to time.
- d) That the Board of Trustees is empowered to appoint or dismiss employees and also to determine the terms and conditions of the service of the employees.
- e) That the Board of Trustees is empowered to file suits on behalf of the Trust and also to compound or settle any legal proceedings taken against or taken on behalf of the trust at any time.
- f) That the Board of Trustees is empowered to appoint legal advisers, Chartered Accountants or other advisers as may be found convenient.
- g) That the Board of Trustees is free to invest all moneys which shall require investment in any manner as they think proper/permissible under the operative national laws. However, they shall not invest/deposit with any private person/firm/company etc.

Handwritten signature

h) That the board of Trustees is empowered to open Bank Account for and on behalf of the trust and in the name of the Trust. That the Managing Trustee and the Treasurer shall jointly operate such accounts. They can sign and endorse cheques and withdraw interest on any security or any other investment made and to issue receipt, release and discharge for the same.

i) That the account shall be maintained for the Trust and Treasurer shall be responsible for maintaining the same and to prepare the annual accounts and shall arrange for getting them audited by duly qualified auditor. The trustees who shall fix his remuneration shall appoint the auditor for the trust. The audited accounts shall be forwarded to the Rotary Club of Kalimpong.

j) That the accounting year of the Trust shall be financial year so as to meet the requirement of the Income Tax Laws.

k) That the management expenses of the Trust shall be reimbursed from the Trust fund.

11. Meetings :

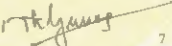
a) All the meeting of the Board of Trustees will be held at such place and time as the Managing Trustee may from time to time, decide.

b) Notice of the meeting of the Board of Trustees and all other communication may be sent to the TRUSTEES as their respective addresses registered for the time being in the records of the Trust.

c) The quorum shall be 3(three) Trustees in all the meetings of the Board of Trustees.

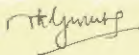
d) The Managing Trustee shall by a notice in writing convene a meeting of the Board of Trustees.

e) The Managing Trustee shall, upon a requisition in writing signed by 2 (two) of the Trustees specifying object for which the meeting is to be convened, convene a meeting of the Board of


7

Trustees. If the Managing Trustee fails to call such a meeting within a fortnight from the date of serving of such requisition, the Trustees making such requisition may themselves convene a meeting of the Board of Trustees within a month thereafter by no business other than what is specified in the requisition shall be transacted at such meeting.

- f) Seven days notice shall be given for any meeting of the Trustees. In case of emergency in the opinion of the Managing Trustee, a meeting may be held after giving 10 hours notice. Notice shall specify the date, hour, place and agenda of the meeting.
- g) The Trustees shall hold at least 2 (two) meetings of the Board of Trustees in a given Rotary Year.
- h) The Managing Trustee of the Board will preside over all the meetings of the Board. In the absence of the Managing Trustee, the Trustees present will chose one from among them to preside at such meeting.
- i) Every Trustee shall have vote in any meeting and the decision of the Board of Trustees shall be by the majority. In case of equality of votes, the Chairman of the meeting shall have a second or a casting vote.
- j) Any resolution in writing circulated amongst all the Trustees present in India and passed by a majority of such Trustees shall be as valid and effectual as if it has been passed at a meeting of the Trustees duly convened. A copy of such resolution after being passed shall be circulated to all the Trustees.
- k) A Minute-Book shall be kept at the office of the Managing Trustee of the Trust for the time being or with such Trustee or Trustees as the Board Trustees may decide wherein shall be recorded the proceedings of the meeting of the Trustees and it shall be open to inspection of the Trustees.



l) Resolutions passed and entered in the minutes book on any matter relating to the Trust shall be conclusive evidence of the facts and matter duly noted therein.

m) All the Trustees shall be bound by the decision of the Board of Trustees whether in a meeting or by a circular resolution and such decision shall be deemed to be the decision of each of the Trustees severally and jointly :

12. Trustees Office and Vesting of Property :

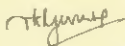
Once a new Trustee is appointed, the Trust property shall vest in him along with the other trustees for the time being and he/she will be entitled to carry out all the duties and functions of the Trustees as a Trustee and it shall not be necessary to make or execute any formal transfer of assets in his/her favour.

13. FUND

- a) Donation received from people towards Corpus or General Fund from time to time.
- b) Donation, endowment, gifts, grant, assistance, or any other money received either on specific or on general terms from the Rotary Foundation of Rotary International, sympathizers, Governments, similar Association, other Rotary clubs and any other voluntary service organization or philanthropic person.
- c) Any other method as may be determined by the Board.

14. Administration of Trust Sponsored / Assisted Project

- a) That Trustees shall prepare and enforce guidelines and rules to monitor the implementation of projects / programs sponsored or assisted by it.
- b) It is expressly declared that no part of the Trust property or its income of trust fund shall be applied for any purpose which is not a public charitable purpose in law, and provisions hereof shall be construed accordingly. Moreover the

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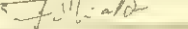
- 15 The Trustees shall take necessary steps to meet the requirements of FCRA 1976 so as to enable it to receive foreign donations
- 16 The TRUST hereby created shall be irrevocable

That if at any time the Rotary Club of Kalimpong is of the opinion that the Trust has become irrelevant or redundant or cannot be run in accordance with the terms of this Deed than in such eventuality the club by a resolution passed in a regular meeting, quorum being present, supported by at least 3/4th of the members present and at least 2/3rd of the then total membership of the club shall resolve to dissolve the Trust. In such a situation the net assets of the trust at the time of dissolution shall be transferred to the Rotary Foundation India, New Delhi. For reason beyond control if transfer to the Rotary Foundation (India) New Delhi is not possible then the club shall take alternate appropriate decision by a resolution similar to the one mentioned in this clause earlier

IN WITNESS WHEREOF the parties hereto have executed these presence on the day, month and the year first above written



Signature of Settlor

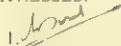
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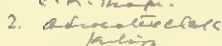
Signature of Trustees

SIGNED, SEALED & DELIVERED


In presence of.

WITNESSES:

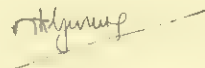
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ADVOCATE, KALIMPONG.

C.K. Thapa.
2. 
Advocate
Kalin

Drawn and explained by
me at my chamber



(Ms. S Pradhan)
Advocate
Main Road, Kalimpong



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H. K. Gurnung

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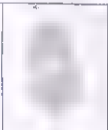




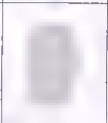

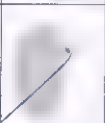

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H. K. Gurnung

FINGERPRINT of BHARAT MANI PRADHAN

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Right Hand					

Signature

Bharatmani Pradhan



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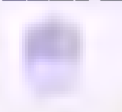









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~~Kollimpung~~


SIGNATURE



FINGER PRINTS OF

DR. MIKTHUK S. FOONING

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Add Date

Register

Signature

SIGNATURE



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Admissible under Rule 21 only

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Indian stamp Act

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fee paid

Adl. District-sub-Registrar
Kalimpong

Completed
Original Doc. - 500/-

DEED OF RECTIFICATION

THIS DEED OF RECTIFICATION OF TRUST DEED is made on this the 21st Day of April 2009 B E T W E E N

Honorary Rotarian Brig NIRPAD KUMAR GURUNG (Retd) son of S O Late B B Gurung, by occupation retired and resident of "Chandrama", Turpai Hill, within the post office of Topkhana, police station and sub division of Kalimpong in the district of Darjeeling, a member of the Rotary Club of Kalimpong for more than ten years, hereinafter called the "SETTLER" (which expression shall unless excluded by or repugnant to the context be deemed to include his successors or assigns) of the ONE PART:

By Thyung Nirpad Kumar Gurung

A N D

- 1 P P Rtn Pravakar Dewan son of Late K S Dewan, by Profession legal practice being 52 years of age and resident of Main Road, within the post office, police station and sub division of Kalimpong in the district of Darjeeling being a member of Rotary Club of Kalimpong for more than ten years
- 2 P P Rtn Bharat Mani Pradhan son of Late Rudra Mani Pradhan residing at Mani Press Building, 10th Mile, within the post office police station and sub division of Kalimpong in the district of Darjeeling, by Profession being business, being 51 Years of age and being the member of Rotary Club of Kalimpong for more than ten years.
- 3 Rtn Rajen Raghavan son of Mr K Raghavan and resident of 9th Mile Reshe Road within the post office, police station & sub division of Kalimpong in the district of Darjeeling, by Profession business, being 45 years of age, a member of Rotary Club of Kalimpong for the last eight years
- 4 Rtn Dr Miku S Foming son of Late Arthur Foming, residing at Mongbol Busty within the post office, police station & sub division of Kalimpong in the district of Darjeeling, by Profession a Horti-floriculturist and being 56 years of age, being a member of Rotary Club of Kalimpong for more than ten years
- 5 Rtn PP Indira Bose daughter of Late A M Bose and resident of "Tapoban", Upper Cart Road, within the post office police station and sub division of Kalimpong in the district of Darjeeling by Profession School Teacher being 54 years of age and being a member of Rotary Club of Kalimpong for more than ten years

All five of them hereinafter collectively referred to as the TRUSTEES (which expression shall unless excluded by or repugnant to the context be deemed to mean and include the TRUSTEES and each one of them for the time being appointed and or holding office of Trustee) of the OTHER PART -

24 Atyama

Anil Kumar Gungy



Addl. District Sub-Registrar
Kalimpong

Having visited the residence of ~~Mr. Sri Nipal Kumar~~
 group to the B.B. house of "Chandama" Tofal Hill
 within Town, P.O.P.S. Kaximpar Distt Dajent by
 East Hindu, by occupation. Retd. I have this day
 examined the said ~~Mr. Nipal Kumar~~, who has been
 identified to my satisfaction by ^{Miss Nishu Raju} ~~Mr. Nipal Kumar~~ of
~~K.S. Daman~~ by faith Hindu, by occupation Advocate
 resident of Main Road Kaximpar. And I accordingly
 authenticate as U/s 33 of Act XVI of 1908 and record
 it as Doc. No. I-103/09

2/10/09

2/10/09

Commissioner

Nishu Raju

Nipal Kumar group

Nishu Raju, P.O.S. Kaxi
 Advocate Kalimpong

2/10/09
 Addl. District Sub-Registrar
 Kalimpong

V/C
 15.

WHEREAS vide a registered Deed of Trust dated 18th August 2004, hereinafter referred as "the Principal Deed", registered before the Office of the Additional District Sub-Registrar at Kalimpong vide in Book No I, Volume No 9, Pages 82 to 85, being registered document No 508 for the year 2004 the Settler created a charitable trust under the name and style of Kalimpong Rotary Humanitarian Service Project Trust with the trustees above named

AND WHEREAS in course of functioning of the trust some difficulties and complications arose in regard to Foreign donation clearance and other matching grants of the Rotary projects at Kalimpong under the Provisions of Foreign Contribution Regulation Act due to the frequent changes of the Office bearers of the Rotary Club on the one hand and on the retirement of the Trustees as provided under clause 4 (a), (b) (c) & (d)

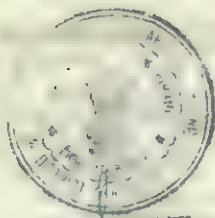
AND WHEREAS in a regular meeting dated 16th April 2009 in its 806 regular meeting the Rotary Club of Kalimpong it was unanimously resolved to do away with the system of ex-officio membership and the periodical retirement and addition of new members of the Trust Board as provided in the principal deed by rectifying the Principal Deed and making provision for five permanent Trustees. At the same time there are certain inaccuracies and mistakes crept up in the Principal Deed of Trust under clause 6, 8, 10(i), 11(b), (c), (i) & (k) of the Trust Deed and therefore it is not only necessary but incumbent to rectify the Principal Deed as follows :-

- (I) That in clause 3 (i) after the words "community at large" the following words shall be added to make the full sentence as "to uphold the Rotary Motto of Service Above Self"
- (II) That entire clause 4 and sub clauses (a) to (d) as appearing in the Principal Deed shall be deleted and substituted and read as "The five Trustees above named shall be permanent Trustees so long they remain the members of the Rotary Club of Kalimpong"
- (III) That in clause 6 line 2 after the words clause figure "3" shall be deleted and substituted and read as "5"

24

Nikhil Kumar

Nikhil Kumar



Asst District Registrar
Kallimpong

From the above report I am satisfied that this document has been executed by said Sri Nigud Kumar — being G.O. B. B. Gen-4, and I accordingly submit it to Registration.

- (IV) That entire clause 8 shall be deleted and substituted and read as "The Trustees Elected shall appoint the Managing Trustees and Treasurer from among the Trustees
- (V) That in clause 10 (i) line 5 the words "The Trustees who shall fix his remuneration shall appoint the auditor for the Trustee" shall be deleted and substituted and read as "The Trustees shall appoint a qualified auditor and shall pay his remuneration from the Trust fund
- (VI) That in clause 11 (b), line 3 the words "as" shall be deleted and substituted and read as "at".
- (VII) That in clause 11 (e) in the last but third line after the words thereafter the word "by" shall be deleted and substituted and read as "but".
- (VIII) That in clause 11 (i) in the 1st line after the words "Every Trustee shall have" the word "one" shall be added
- (IX) That in clause 11 (k) after the words "Board of Trustees may decide" the remaining sentence "wherein shall be recorded the proceedings of the meeting of the Trustees" shall be deleted and substituted and read as "and the proceedings of the meetings shall be recorded in the said minute book"


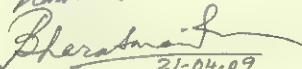

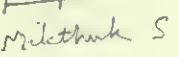

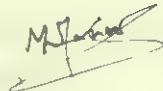

And rectified and corrected the Principal Deed shall remain in full force

IN WITNESSES WHEREOF the parties have set their respective hands and signatures in this Deed of Rectification on this the day month and the year first above mentioned in presence of the following witnesses.



Signature of Settler

29 Thakur Ambed Kumar Gaurav

Signature of Trustees



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2. 
21-04-09
3. 
4.  S.  
5. 

SIGNED, SEALED & DELIVERED


 Nishat Kuma 

In presence of:

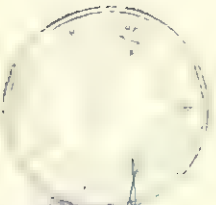
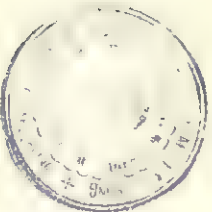
WITNESSES

1. 
Kalingang
2. 
Nishat Kuma (Nishat)

Drawn at my Chamber


21/4/09
(Pravakar Dewan) Advocate,
Main Road, Kalimpong.

Registered in
 Book No. 2
 Volume No. 3
 Page 49 to 52
 H. 11 No 103
 of the year 1901













111-100-Registre
 Kaimpong

111-100-Registre
 Kaimpong

Asia District Registrar
Kauripong



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




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SIGNATURE

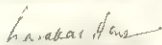
10-11-2019
Addi
Kampung



FINGER PRINTS OF

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10-11-2019


SIGNATURE

Add. District Registrar
Kaliyong



FINGER PRINTS OF

	THUMB	FORE FINGER	MIDDLE FINGER	RING FINGER	LITTLE FINGER
LEFT HAND					
RIGHT HAND					

SIGNATURE

21/06/09

Add. District Registrar
Kaliyong

Sub-Registrar
Kollampong



FINGER PRINTS OF

	THUMB	FORE FINGER	MIDDLE FINGER	RING FINGER	LITTLE FINGER
LEFT HAND					
RIGHT HAND					

SIGNATURE

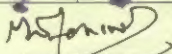
Sub-Registrar
Kollampong

Add. District-sub-Registry
Kallimpong



FINGER PRINTS OF

	THUMB	FORE FINGER	MIDDLE FINGER	RING FINGER	LITTLE FINGER
LEFT HAND					
RIGHT HAND					












SIGNATURE

Add. District-sub-Registry
Kallimpong

[Signature]
Addl. District Sub-Registrar
Kallimpong



FINGER PRINTS OF

	THUMB	FORE FINGER	MIDDLE FINGER	RING FINGER	LITTLE FINGER
LEFT HAND					
RIGHT HAND					

[Signature]
SIGNATURE

[Signature]
District Sub-Registrar
Kallimpong